

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SOUTH CAROLINA COASTAL CONSERVATION LEAGUE; et al.,)	No. 2:18-cv-03326-RMG
)	(Consolidated with 2:18-cv-03327-RMG)
Plaintiffs,)	
)	
v.)	PLAINTIFFS' RESPONSE TO
)	FEDERAL DEFENDANTS' MOTION
WILBER ROSS, in his official capacity as secretary of commerce; et al.,)	FOR EXTENSION OF TIME
)	
Defendants.)	
)	

Plaintiffs, City of Beaufort, et al., submit this response to the Federal Defendant's Motion for Extension seeking an additional eight weeks to complete the administrative record, and object to the requested extension unless the Federal Defendants provide 30-days' advance notice of the issuance of the BOEM permits to the Court and the parties.

The Municipal Plaintiffs conditioned consent to the eight-week extension on this advance notice in order balance the Defendants' need for more time with the Plaintiffs' need for orderly resolution of the critical issues in this case in a manner that does not unfairly prejudice them. Once the administrative record is complete, the Plaintiffs have 5 weeks to file their motions for summary judgment. (ECF No. 343). The BOEM permits could issue during the summary judgment briefing window, which would require the Plaintiffs to immediately refocus on a motion for preliminary injunction because the activity authorized under the permits would be set to occur 30 days after issuance of the permits. The 30-days advance notice would provide the Plaintiffs with a minimal amount of time to plan for and prepare for orderly filings regarding the significant issues pending before this Court.

While the Federal Defendants invoke the BOEM permitting process when it suits them, including a declaration from BOEM telling this Court that the agency will continue to review the applications (Cruickshank Decl. ¶4, ECF No. 281-1), they now claim that the permits are “unrelated” to their motion and that BOEM is not a party. The Municipal Plaintiffs concur with the arguments submitted by the Environmental Plaintiffs in their Response to Federal Defendants’ Motion (ECF No. 354). Specifically, the Federal Defendants filings reflect their ability to provide relevant information from BOEM, a client agency with whom they have been working closely on this case.

Municipal Plaintiffs request that this Court condition any extension for completing the administrative record on the Federal Defendants providing 30-days’ advance notice of the issuance of BOEM permits authorizing seismic testing to the Intervenor Defendants.

Respectfully submitted this 18th day of February, 2020.

s/ Amy E. Armstrong

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PROJECT

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